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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
ANDREAS WINTER, ET AL. : EXAMINER: ERIC CHANG
SERIAL NO: 10/552,288 :
FILED: OCTOBER 3, 2005 : GROUP ART UNIT: 2116
FOR: OPTICAL MEDIAL PROTECTION :
DRIVER

LETTER REQUESTING THE U.S. PATENT AND TRADEMARK ISSUE AN ORDER
VACATING AN ERRONEOUSLY ISSUED ADVISORY ACTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Advisory Action dated September 24, 2007, Applicants' attorney request the U.S. Patent and Trademark Office vacate the Advisory Action dated September 24, 2007. The facts are as follows:

The above-noted application was filed on October 3, 2005, and has never received an Office Action. When the Advisory Action was received on September 24, 2007, PAIR was checked to see if an Office Action had been issued, although none had been received by the undersigned. Applicants' attorney found the Advisory Action and another document in PAIR, which was dated September 24, 2007, and indexed as "ANE.I – Amendment After Final or under 37 CFR 1.312, initialed by the examiner". The document indexed as "ANE.I – Amendment After Final or under 37 CFR 1.312, initialed by the examiner" is a first page only of an after final amendment for a different application with different inventors, assignee, filing date and application serial no. (09/552,288) and has been erroneously placed in this

Application No. 10/552,288
Advisory Action issued 9/24/07

image file wrapper. Applicants' attorney believes the Advisory Action should have been issued in 09/552,288 and not in 10/552,288.

Applicants request that an order be issued vacating the Advisory Action and that both Advisory Action and "ANE.I – Amendment After Final or under 37 CFR 1.312, initialed by the examiner" be removed from the present application's image file wrapper.

Consequently, in view of the foregoing discussion, it is respectfully submitted that this application is in condition for examination. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)